IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 13480 of 2006
Date of Decision: Aug. 25,2006

Gurbaj Singh ..... Petitioner

Versus

State of Haryana and others ..... Respondents

Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mrs. Justice Nirmal Yadav

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

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ASHUTOSH MOHUNTA, J. (Oral)

The petitioner has prayed for quashing of notification dated 19.9.2005 (Annexure P-3) issued under Section 4 read with Clause C of sub-section (2) of Section 17 of the Land Acquisition Act, 1894 and the declaration dated 22.5.2006 (Annexure P-7) by which the land of the petitioner has been acquired for the public purpose, namely, BML-Hansi Branch-Butana Branch Multipurpose Link Channel from RD334212 to RD 358312 passing through villages Dadwara, Nimnabad, Sahanpur, Todi Kheri and Anta, Tehsil Safidon, Distt. Jind.

It has been contended by the learned counsel for the petitioner that initially the link channel was to be passed through a different area but now the alignment has been changed and the link channel would now be passing through the land of the petitioner. It is contended that although three months have elapsed since the issuance of notification under Section 4 read with Section 17 (2) (c) of the Land Acquisition Act but till date no work has started.

We have perused the case file carefully. A perusal of Annexure P-5 shows that as there was a change in the position of inter linking of the proposed canal, the change in alignment from RD-355376 to 358312 had become necessary. Thus, due to technical consideration, a revised alignment

was prepared and the same was approved by the Chief Engineer. The construction of the proposed canal is for the general welfare of the public. As a result of the construction, the Ravi-Beas waters would be transferred to the deficit zone so that the water can be distributed equitably. As there is an acute shortage of even drinking water in the Southern Haryana, therefore, as a result of the construction of canal, flood water of the river Ghaggar and other intervening drains would be utilized. The canal will also provide irrigation facilities in the paddy areas during the Kharif season. The Superintending Engineer, Construction Circle, Karnal, has categorically stated that the water table would improve in Districts of Kaithal, Kurukshetra, Karnal and Jind.

For the aforementioned reasons, we are of the considered opinion that the land acquired in the present case for the construction of a link channel is required and is very necessary and there is no infirmity in the issuance of the impugned notifications.

Accordingly, the writ petition is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

25.8.2006 **(NIRMAL YADAV)**
Rupi **JUDGE**